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BSc.[Hons] Plant Sciences, Arbor. Tech.

Technical AdvicePlanning application: 16/01753/FL

Permanent retention of a static mobile home as accommodation for an agricultural worker ancillary to the nursery business and retention of 2no. dog kennels and pens at The Nursery, Taylors Lane, Trottscliffe

Précis

An application to turn a temporary accommodation into a permanent one in has been made in support of the development of a plant nursery. The applicants maintain that the type of stock being grown and the systems required to care for the stock need full-time manning to ensure successful plant production and security for the site and staff there. This advice broadly supports the transition from temporary to permanent on-site manning to ensure the success of the business.

Choice and care of nursery stock

The choice of what to propagate is entirely the nurseryman's choice of course but the actual plants chosen may be dictated by current trends [as propagated by TV gardening programs, the Chelsea Flower Show etc.] and commercial demands from landscapers, landscape architects and the supermarkets catering to the retail trade. A lot of these different plants require different methods of propagation and after-care. The correct timing of start to end/sale of the plant is of course crucial and is another factor in deciding exactly what to grow. The savvy nurseryman will therefore factor all these considerations into the choice of stock and be aware that demands can change as quickly as can the weather.

There are many systems and methods employed by the nursery business to propagate and produce plant stock for sale. Typically the initial phase of propagation – whether by cuttings or seeds – requires a high level of manual labour and immediate after-care to ensure young stock is adequately watered and sheltered.

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Long-term economic/commercial demands are reasonably easy to accommodate if the market changes – but a sudden quick demand could mean the requirement for a lot of labour to begin propagation; labour that may be difficult to source at short notice – hence a permanent staff presence at the nursery means a fairly instant labour supply.

Add to all of the above the unpredictability of the UK weather and one can justify another reason why permanent on-site staff would be extremely wise in the case of storm damage, power loss [to heating/lighting/irrigation systems etc], as well as sudden plant orders. Plants at the young stage are extremely vulnerable to sudden environmental changes which could ruin [kill or at the very least stunt] the stock – hence more permanent staff would reduce the risk of plant failures.

Pest and diseases [which often follow the weather and outbreaks of which can be as unpredictable as the weather] can occur at any time and high-value stock needs constant monitoring for effective control – powdery mildews in particular can ruin certain plants practically over-night. Again, another reason for permanent staff on site.

Types of plants a nursery may produce and their needs

- Hedging. Whether container-grown or field grown most hedging plants are relatively easy to care for and only require correct irrigation and tying-in against wind-rock. Hedging can be left unattended in the autumn and winter months apart from times of severe drought. A nurseryman would need to inspect the hedging stock regularly to determine whether any intervention was needed. This task in itself is not unpredictable or is rarely urgent but if a problem arises the need for labour to sort things out is paramount; – dry plants – any species – need to be watered without delay. Hence why permanent site staff would be wise.
- Herbaceous. A higher demand for monitoring than hedging above with correct watering being critical in the summer months. Hence permanent site staff would be wise.
- Seasonal/annuals. High labour requirement throughout the growing season; these types of plants need contact care and monitoring to ensure their quality is maintained. This stock is also the most susceptible to pests and diseases.
- Climbers – notoriously thirsty these plants often need watering everyday in summer.

Irrigation systems

All nurseries rely absolutely on correct irrigation for commercial success. All irrigation systems require some monitoring for leaks and pump failures; whilst these operation would of course be carried out in daylight system components can fail at anytime and a loss of water for say 24 hrs at the height of summer/in a heat wave could ruin stock. Another reason by permanent staff on site would be wise.

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Security

Theft of stock from commercial premises is always a major consideration for the business owner. The nursery trade in particular is especially vulnerable because of several factors [listed below]. Having permanent staff on site [even better – with guard dogs] would of course help prevent such thefts. Should guard dogs be utilized they should be attended 24 hrs and not left alone.

- Rural locations. Meaning intruders are less likely to be spotted.
- Large sites. Difficult to monitor. Maybe several access points to monitor too.
- Vulnerability of polytunnels. Easily cut open with a knife and stock removed.
- Dutch trolley System. As used by many nurseries as a means of easy transport of large numbers of plants – which also means easy quick theft into vans/lorries.

Summary

Of all commercial business that produce items in numbers the nursery trade is different from many others in the particular need for a highly flexible labour input, flexibility in coping with the vagaries of the UK weather, and a vigilance in the monitoring of stock in care. A successful nurseryman is one who knows his/her stock needs and can respond quickly. Being on-site permanently means a higher level of monitoring, response, and a higher quality of stock at the end point of sale.

Dominic S Hall 27/08/2017.

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 Kent ME19 4LZ
 FAO Mark Fewster

Your ref: 16/01753/PL
 Our ref: RLH/AA/TM/16/02
 Date: 26 October 2016

REFERS TO CONFIDENTIAL FINANCIAL INFORMATION FROM THE APPLICANT

Dear Mr Fewster

The Nursery, Taylors Lane, Trottiscliffe

I refer to your letter of 18 October 2016 requesting agricultural advice on the planning application submitted on behalf of Mrs P Valler for the retention of the existing mobile home at the above site (and 2 dog kennels and pens), initially granted temporary consent on appeal under TM/12/00379/PL until 09 April 2016.

The latter application was the subject of my advisory letter dated 09 March 2012. Since that time the submissions on behalf of the applicant and her husband Mr Luke (the main worker on the nursery) indicate that the nursery business has expanded, through production of its various hedging plants, grasses, herbaceous perennials, bulbs, and bedding plants. Production takes place using two polytunnels with heated beds (47m x 6m and 30m x 6m) granted planning consent under TM/10/00473, along with a potting/packing shed/office (15.3m x 4.9m). There are also standing-out areas by the tunnels.

Sales are made, and delivered, to several local businesses, at Ightham, West Kingsdown, and Meopham. Sales have increased to over £35,000 in the year to 05 April 2016, and the net profit for that year was £23,739, having deducted £6,000 for Mrs Valler's wages, so that the overall pre-labour profit was £29,739. The equivalent figure for 2014/15 was £19,257, and £17,684 for 2013/14. The applicant's accountant has examined the relevant tax returns and believes the business to be successful and financially stable.

I consider the essential functional need for the mobile home on site remains as before, as accepted by the Inspector in 2013. The business also now appears financially viable, being able to provide a full-time wage equivalent for Mr Luke, as well as a part-time wage for Mrs Valler, as indicated above.

Consequently, I consider the agricultural case for retention of the mobile home to be justified in principle, having regard to para. 55 of National Planning Policy Framework which states, in the context of sustainable housing development in rural areas, that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as "the essential need for a rural worker to live permanently at or near their place of work in the countryside".

I note from the agents' Planning Statement that consent is sought on a permanent basis. However as the proposal is for a removable mobile home, which in other circumstances may be regarded as inappropriate in this location, consideration could be given to a condition requiring its removal if at any time it were no longer fulfilling its permitted function. This function would be defined by the sort of occupancy condition likely to be applied to any consent (as was the case under the temporary appeal decision); i.e. removal would be necessary if the mobile home were no longer required for occupation by a person solely or mainly working, or last working, in the locality in agriculture, horticulture or forestry, or a widow or widower of such a person, and any resident dependants.

I hope this is of assistance but please let me know if you require any further advice.

Yours sincerely



Richard Lloyd-Hughes MRICS
Rural Planning Limited

8 November 2017

[REDACTED]

Dear Emma

The Inspector agreed in the 2013 appeal decision that the functional test was met.

From the additional information recently provided, there appears to be no reason to doubt that the nature of production on the site continues broadly along the same lines as before.

From year to year, the exact mix of plants grown and sold is bound to vary, according to growing experience and techniques, and market demands. A comprehensive list of what was grown in 2016 has been given, suggesting a fairly broad range of species, and an approximate breakdown has been provided in terms of percentage of numbers of hedging plants, as opposed to higher value ornamental and flowering plants.

Based on the approximate breakdown referred to above, I would have thought the applicants could provide at least an approximate breakdown as to the respective value of those two main categories of production, if this was considered important; however I am not sure that the distinction is relevant to the overall functional case.

The functional reasons for requiring accommodation on site are set out in some considerable detail in the Kernon document, and I do not believe I can usefully add much to those reasons, except perhaps to mention that a presence on site should also assist to deter theft or vandalism that could seriously affect production. I would also refer to my letter of 09 March 2012 re. TM/12/00379/FL (attached).

Finally I would reiterate the point made at the end of my letter of 26 October 2016, that as the proposal is for retention of a removable mobile home, which in other circumstances may be regarded as inappropriate in this location, consideration could be given to a condition requiring its removal if at any time it were no longer fulfilling its permitted function i.e. if the mobile home were no longer required for occupation by a person solely or mainly working, or last working, in the locality in agriculture, horticulture or forestry, or a widow or widower of such a person, and any resident dependants.

I hope this is of assistance.

With regards,

Richard Lloyd-Hughes MRICS
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From: Emma Keefe

8 November 2017

Sent: Wednesday, June 28, 2017 10:53 AM
To: richard.lloydhughes@btinternet.com
Cc: Mark Fewster
Subject: The Nursery, Taylors Lane, Trottiscliffe

Dear Richard,

Planning application: 16/01753/FL

Permanent retention of a static mobile home as accommodation for an agricultural worker ancillary to the nursery business and retention of 2no. dog kennels and pens at The Nursery, Taylors Lane, Trottiscliffe

I write in connection with the above planning application which is currently under consideration. I attach for your convenience a copy of your previous advice in respect of this application. Determination of this application was deferred by the Area 2 Planning Committee in order for officers to obtain further information pertaining to the nursery business and the need for a continued, permanent on site presence. This position was derived in part from a recognition of the fact that the functional and financial tests previously contained within Annex A of PPS7 have replaced by the NPPF (paragraph 55) and therefore the only test to now be applied is whether there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. In this respect, the Planning Committee debated whether the stock being cared for at the nursery genuinely requires such a presence.

Officers therefore sought the following additional information:

- detailed evidence which sets out the different species grown on site presently;
- evidence that explains the proportion of turnover for each species;
- information to account for any differences in type of species since the Inspector viewed the operations in 2013 and;
- a technical explanation as to how the different species are cared for on a daily basis.

This was all required in order to establish whether, given the type/hardiness of the species being grown genuinely requires a continued on site residential presence.

Further information has now been received in response to this request and is also attached for your information. You will see however that the applicant's agent has suggested that they are unable to provide a detailed breakdown of figures for the turnover for the various types of plants grown at the site, which is unfortunate.

I would be grateful if you could review this further information with a view to providing detailed comments on the following:

1. Applying only the test as set out at paragraph 55 of the NPPF, please advise whether the nature and particular care needs of the stock grown on this site when considering the information submitted by the applicant, creates an essential need for a rural worker to live permanently on the site.
2. If you consider that such a need does exist, please provide reasons for this.
3. Is there any additional information that could be provided by the applicant that would address the so far lacking information concerning the proportion of turnover of each species.

You should be aware that we have undertaken to annex in full your specialist advice as part of any report back to the Planning Committee.

I look forward to hearing from you in due course.

Yours Sincerely

Emma Keefe